

### REMARKS

This responds to the Office Action mailed on February 28, 2006.

Claim 1 is amended. Claims 16-36 are withdrawn. Claims 1-15 are pending in this application.

#### §103 Rejection of the Claims

Claims 1-15 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Montanari et al. (hereinafter “Montanari”) in view of Wendte et al. (hereinafter “Wendte”)

Claim 1 includes the following limitations:

receiving at a management information system a request, including an agricultural product identifier, for real-time agricultural product information collected along a chain of custody of the agricultural product, the request being made while the agricultural product is within the chain of custody and prior to the user physically obtaining the agricultural product;

accessing at least one agricultural product record, identified using the agricultural product identifier, at the management information system, the at least one agricultural product record including agricultural product data collected up to the point of the request;

processing the agricultural product data to generate a report of the real-time agricultural product information including metrics pertaining to the agricultural product; and

communicating the report to the user responsive to the request for real-time agricultural product information.

(Emphasis added).

Montanari does not disclose, “receiving...a request for real-time agricultural product information collected along a chain of custody of the agricultural product, ...the request being made while the agricultural product is within the chain of custody and prior to the user physically obtaining the agricultural product,” as recited in claim 1.

The February 28, 2006 Office Action (hereinafter “OA”) states, “Montanari et al. is read as disclosing a request made while the agricultural product is made in the chain of custody because the contact to the consumer e.g. the response to a request is at a slaughter location read

as within the chain of custody given that the carcass is still accounted for by the P-TN tag at that point.” However, Montanari specifically discusses the consumer could contact the retailer with the R-TN and the retailer could contact the fabricator and using the R-TN to obtain the P-TN number to identify the animal and its associated data (Col. 17, ln 48-54). In other words, Montanari requires the consumer first has to receive the product, make a request to the retailer, who makes a request to the fabricator who then searches his/her computer database. Claim 1 recites the request is received at a management information system and is made prior to the user physically obtaining the agricultural product. In Montanari, the request is made to a retailer and only made to a computer system once the request is made by the retailer to the fabricator.

Consequent to the arguments presented above with respect to the request being made prior to the user (requestor) physically obtaining the agricultural product, Montanari also cannot disclose, “the at least one agricultural product record including agricultural product data collected up to the point of the request,” “processing the agricultural product data to generate a report of the real-time agricultural product information,” and “communicating the report to the user responsive to the request for real-time agricultural product information,” as recited in claim 1.

Adding the teachings of Wendte does not cure the deficiencies of Montanari, and alone or in combination with Montanari does not make the present claims obvious under 35 U.S.C. §103. Wendte discusses an agricultural system for acquiring grain samples from a field and determining and recording locational variations in characteristics of a crop being harvested.

The Examiner indicates that Montanari, “does not disclose tracking agricultural products nor does it disclose the real time generating of a report to a customer,” and is relying on Wendte as disclosing, “real time agricultural sampling and reporting system col. 8 line 42” (OA, pages 2 and 3). Although not explicitly claimed in claim 1, Applicants agree with the Examiner that Montanari, “does not disclose tracking agricultural products nor does it disclose the real time generating of a report to a customer.” Applicants would also like to point out that claim 1 does not recite a limitation, “real time agricultural sampling” (OA, page 3).

Wendte does discuss collecting moisture content of grain in near real time and that real time data is stored, downloaded at a later time, analyzed and then added to a GIS database (Col. 8, ln. 40-49). Combining what is taught in Wendte regarding collecting data samples in near real

time to Montanari does not provide the missing elements as argued above with respect to Montanari. Specifically, Wendte does not disclose, “receiving...a request for real-time agricultural product information collected along a chain of custody of the agricultural product, ...the request being made while the agricultural product is within the chain of custody and prior to the user physically obtaining the agricultural product,” “the at least one agricultural product record including agricultural product data collected up to the point of the request,” “processing the agricultural product data to generate a report of the real-time agricultural product information,” and “communicating the report to the user responsive to the request for real-time agricultural product information,” as recited in claim 1.

In summary, combining the teachings of Wendte with the teachings of Montanari does not render claim 1 obvious for at least the reasons set forth above. Therefore, claim 1 and all claims dependent therefrom are patentable over the cited art.

**CONCLUSION**

Applicants respectfully submit that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicants' attorney 408-278-4045 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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Date 8/28/06

By 

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This paper or fee is being filed on the date indicated above using the USPTO's electronic filing system EFS-Web, and is addressed to The Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.